



MITCHELL SILBERBERG & KNUPP LLP
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Paul D. Montclare
Partner
(917) 546-7704 Phone
(917) 546-7674 Fax
pdm@msk.com

October 7, 2020

VIA ECF

Honorable Sarah Netburn
U.S. Magistrate Judge
Thurgood Marshall Courthouse
40 Foley Square, Room 430
New York, NY 10007

Re: Phillies v. Harrison/Erickson, Inc. et al., No. 19-cv-7239-VM-SN

Dear Judge Netburn:

On behalf of the Defendants/Counterclaim Plaintiffs Bonnie Erickson and Wayne Harrison, *et al.* ("H/E"), we request a scheduling conference at the Court's earliest convenience in connection with Judge Marrero's recent order (ECF No. 108). The following matters are pending: (i) the proposed letter to the Copyright Office to be sent by the Court (ECF Nos. 96-97, 100, 103-104); (ii) H/E's pre-motion letter to Judge Marrero for a motion for summary judgment (ECF Nos. 98, 101), and responses to The Phillies' pre-motion letter for summary judgment (ECF Nos. 99, 102); (iii) H/E's pre-motion letter to Judge Marrero for leave to file an amended counterclaim to add a post-termination infringement and injunctive relief claim arising from The Phillies' post-termination infringing use of the Phanatic (ECF Nos. 105-107); and (iv) discovery issues regarding the sufficiency of The Phillies' updated contention interrogatory responses.

Respectfully submitted,

/s/ Paul D. Montclare

Paul D. Montclare
Partner

PDM/mcp